

**COMBINED DECLARATION AND  
POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**ORGAN PRESERVATION APPARATUS AND METHODS**

was filed on September 14, 2001 as United States Application Number 09/953,338.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information which I know to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below. I have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Is Priority Claimed?</u>
NONE			

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

<u>Application Number</u>	<u>Filing Date</u>
NONE	

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below. Insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of

Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Patented, Pending, or Abandoned</u>
NONE		

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

George P. McAndrews	Reg. No. 22,760
John J. Held	Reg. No. 21,061
Timothy J. Malloy	Reg. No. 25,600
William M. Wesley	Reg. No. 26,521
Lawrence M. Jarvis	Reg. No. 27,341
Gregory J. Vogler	Reg. No. 31,313
Jean Dudek Kuelper	Reg. No. 30,171
Herbert D. Hart III	Reg. No. 30,063
Robert W. Fieseler	Reg. No. 31,826
Thomas J. Wimbiscus	Reg. No. 36,059
Steven J. Hampton	Reg. No. 33,707
Priscilla F. Gallagher	Reg. No. 32,223
Stephen F. Sherry	Reg. No. 30,590
Patrick J. Arnold Jr.	Reg. No. 37,769
George Wheeler	Reg. No. 28,766
Janet M. McNicholas	Reg. No. 32,918
Ronald E. Larson	Reg. No. 24,478
Christopher C. Winslade	Reg. No. 36,308
Edward A. Mas II	Reg. No. 37,179
Gregory C. Schodde	Reg. No. 36,668
Edward W. Remus	Reg. No. 25,703
Donald J. Pochopien	Reg. No. 32,167
Sharon A. Hwang	Reg. No. 39,717
David D. Headrick	Reg. No. 40,642
Dean D. Small	Reg. No. 34,730
Alejandro Menchaca	Reg. No. 34,389
Kirk A. Vander Leest	Reg. No. 34,036
Richard T. McCaulley, Jr.	Reg. No. 41,977
Anthony E. Dowell	Reg. No. 39,661
Peter J. McAndrews	Reg. No. 38,547

Jonathan R. Sick	Reg. No. 43,920
Eligio C. Pimentel	Reg. No. 42,076
James P. Murphy	Reg. No. 40,741
Dean A. Pelletier	Reg. No. 45,007
Michael B. Harlin	Reg. No. 43,658
James R. Nuttall	Reg. No. 44,978
Jeffrey D. Wheeler	Reg. No. 39,066
Timothy L. Harney	Reg. No. 38,174
Joseph M. Barich	Reg. No. 42,291
Scott P. McBride	Reg. No. 42,853
Patricia J. McGrath	Reg. No. 44,919
Sandra A. Frantzen	Reg. No. 48,799
Christopher V. Carani	Reg. No. 44,049
Jennifer E. Lacroix	Reg. No. 46,852
Joseph F. Harding	Reg. No. 48,450
Joseph M. Butscher	Reg. No. 48,326
Stephen M. Miller	Reg. No. 40,728
Troy A. Groetken	Reg. No. 46,442
Michael J. Fitzpatrick	Reg. No. 48,510
John A. Wiberg	Reg. No. 44,401

Address all telephone calls to George Wheeler at telephone number:

(312) 775-8000.

Address all correspondence to:

McAndrews, Held & Malloy, Ltd.  
34th Floor  
500 W. Madison Street  
Chicago, Illinois 60661

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

This declaration names 2 inventor(s) below.

---

Information about sole or first inventor:

(given name, family name): Marlin L. Alford  
Residence: 1851 CR 438  
Dublin, Texas 76446  
Citizenship: USA  
Post Office Address: 1851 CR 438  
Dublin, Texas 76446

First inventor's signature:

Marlin L. Alford

Date Signed:

12-13-01

---

Information about second joint inventor:

(given name, family name): Robert M. Dowben  
Residence: 14 Loring Avenue  
Providence, RI 02906  
Citizenship: USA  
Post Office Address: P.O. Box 9186  
Providence, RI 02940

Second inventor's signature:

Date Signed:

**COMBINED DECLARATION AND  
POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**ORGAN PRESERVATION APPARATUS AND METHODS**

was filed on September 14, 2001 as United States Application Number 09/953,338.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information which I know to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below. I have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Is Priority Claimed?</u>
NONE			

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<u>Application Number</u>	<u>Filing Date</u>
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I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below. Insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of

Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Serial No.</u>	<u>Filing Date</u>	<u>Patented, Pending, or Abandoned</u>
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I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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George Wheeler	Reg. No. 28,766
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Chicago, Illinois 60661

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This declaration names 2 inventor(s) below.

---

Information about sole or first inventor:

(given name, family name): Marlin L. Alford  
Residence: 1851 CR 438  
Dublin, Texas 76446  
Citizenship: USA  
Post Office Address: 1851 CR 438  
Dublin, Texas 76446

First inventor's signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

---

Information about second joint inventor:

(given name, family name): Robert M. Dowben  
Residence: 14 Loring Avenue  
Providence, RI 02906  
Citizenship: USA  
Post Office Address: P.O. Box 9186  
Providence, RI 02940

Second inventor's signature: \_\_\_\_\_

*Robert Dowben*

Date Signed: \_\_\_\_\_

*Dec. 13, 2001*



Express Mail No. 164036685US

Attorney Docket No. 13241US01

## ASSIGNMENT

Alford to Organ Transport

Robert M. Dowben, who resides at 14 Loring Avenue, in the city and county of Providence, Rhode Island, and receives mail at P.O. Box 9186, Providence, RI 02940, and Marlin L. Alford, who resides at 1851 CR 438, Dublin, in the County of ~~Erath~~ <sup>Collins</sup>, Texas 76446 ("said inventors"), have jointly made an invention comprising certain new, useful, and nonobvious improvements in

### ORGAN PRESERVATION APPARATUS AND METHODS

Said invention is described or intended to be described and set forth in the patent application identified as McAndrews Held & Malloy Docket No. 13241US01, Serial No. 09/953,338 filed September 14, 2001.

Organ Transport Systems, Inc. a corporation organized and existing under and by virtue of the laws of the State of Nevada (hereinafter: "Organ Transport"), having a place of business at 14300 Cornerstone Village Drive, Suite 318, Houston, Texas 77014, desires to acquire the entire right, title, and interest in and to said invention, any past, present, or future improvements made to said invention, any resulting United States or foreign patent applications directed to said invention and improvements, any and all divisions, continuations, or continuations in part of said applications, any Letters Patent which may be granted for said invention or said improvements, any reissues, reexamination certificates, and extensions of said Letters Patent, and any related trade secrets and know-how.

Mr. Alford warrants and represents that said inventors conceived said invention themselves, that no one other than said inventors is a joint inventor of said invention, and that Mr. Alford presently owns the entire right, title, and interest in and to said invention originally possessed by him as a joint inventor.

NOW, THEREFORE, in consideration of one dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, Mr. Alford hereby assigns to Organ Transport, its successors and assigns, the entire worldwide right, title, and interest originally possessed by him as a joint inventor in and to said invention, said application, any related trade secrets and know-how, any said improvement which said inventors have discovered in the past or present, and any said improvement which said inventors discover in the future, and said Letters Patent which may be granted for said invention, said application, and any and all divisions, continuations, continuations in part, reissues, reexamination certificates, substitutes, and extensions of said application (each of which is included herein as a part of "said application"), including but not limited to all United States and other national rights to said invention and said application and all rights under the Paris Convention for the Protection of Industrial Property and all other applicable treaties or laws in respect to said invention and said application.

Mr. Alford hereby authorizes and requests the United States Director of Patents and Trademarks and any foreign patent office to issue any Letters Patent which may be granted for said invention or

Assignment by Marlin L. Alford to Organ Transport Systems, Inc.

improvements or upon said application to Organ Transport, its successors and assigns, in accordance with this assignment.

Mr. Alford hereby authorizes Organ Transport to apply for patents on said invention in foreign countries, claiming the filing date of said application under the provisions of the Paris Convention for the Protection of Industrial Property and all other applicable treaties and laws, and Mr. Alford further agrees to execute any and all documents that may be required or desired by Organ Transport in order that Organ Transport may apply for Letters Patent on said invention in foreign countries in its name.

Mr. Alford hereby agrees to promptly communicate to Organ Transport or its representatives any improvements said inventors have discovered or discover and any facts known to said inventors respecting said invention or said application; to testify in any legal proceeding relating thereto; to sign all lawful papers, including but not limited to all papers in any original, divisional, continuing, continuing in part, reissue, substitute, and extension applications, all rightful oaths or declarations, and documents confirming or substituting for this assignment.

Mr. Alford agrees to do all acts agreed to in this document without further compensation, except for reimbursement of reasonable expenses incurred by Mr. Alford in carrying out these acts.

Signed at Stephenville in the County of Erath and State of Texas, this 7<sup>th</sup> day of October, 2002.

Marlin L. Alford  
Marlin L. Alford

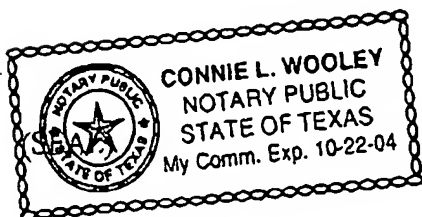
STATE OF Texas)  
) SS.

COUNTY OF Erath)

I, Connie L. Wooley, a Notary Public in and for the County and State aforesaid, do hereby certify that Marlin L. Alford, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and deed for the uses and purposes and in the capacity therein set forth.

Given under my hand and notarial seal this 7<sup>th</sup> day of October, 2002.

Connie L. Wooley  
Notary Public



My commission expires 10-22-04

## **ASSIGNMENT**

Acorn to Organ Transport

Robert M. Dowben, who resides at 14 Loring Avenue, in the city and county of Providence, Rhode Island, and receives mail at P.O. Box 9186, Providence, RI 02940, and Marlin L. Alford, who resides at 1851 CR 438, Dublin, in the County of Erath, Texas 76446 ("said inventors"), have jointly made an invention comprising certain new, useful, and nonobvious improvements in

### **ORGAN PRESERVATION APPARATUS AND METHODS**

Said invention is described or intended to be described and set forth in the patent application identified as McAndrews Held & Malloy Docket No. 13241US01, Serial No. 09/953,338 filed September 14, 2001.

Robert M. Dowben, in exchange for good and valuable consideration, has assigned to **Acorn Development, Inc.**, a Delaware corporation, the mailing address of which is P.O. Box 9186, Providence, Rhode Island 02940-9186 ("Acorn"), his entire right, title, and interest in and to the invention, any past, present, or future improvements made to said invention, any resulting United States or foreign patent applications directed to said invention and improvements, any and all divisions, continuations, or continuations in part of said applications, any Letters Patent which may be granted for said invention or said improvements, any reissues, reexamination certificates, and extensions of said Letters Patent, and any related trade secrets and know-how.

**Organ Transport Systems, Inc.** a corporation organized and existing under and by virtue of the laws of the State of Nevada (hereinafter: "Organ Transport"), having a place of business at 14300 Cornerstone Village Drive, Suite 318, Houston, Texas 77014, desires to acquire the entire right, title, and interest in and to said invention, any past, present, or future improvements made to said invention, any resulting United States or foreign patent applications directed to said invention and improvements, any and all divisions, continuations, or continuations in part of said applications, any Letters Patent which may be granted for said invention or said improvements, any reissues, reexamination certificates, and extensions of said Letters Patent, and any related trade secrets and know-how.

Acorn warrants and represents that said inventors conceived said invention themselves, that no one other than said inventors is a joint inventor of said invention, and that Acorn presently owns the entire right, title, and interest in and to said invention originally possessed by Robert M. Dowben.

NOW, THEREFORE, in consideration of one dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, Acorn hereby assigns to Organ Transport, its successors and assigns, the entire worldwide right, title, and interest originally possessed by Robert M. Dowben in and to said invention, said application, any related trade secrets and know-how, any said improvement which said inventors have discovered in the past or present, and any said improvement which said inventors discover in the future, and said Letters Patent which may be granted for said invention, said application, and any and all divisions, continuations, continuations

in part, reissues, reexamination certificates, substitutes, and extensions of said application (each of which is included herein as a part of "said application"), including but not limited to all United States and other national rights to said invention and said application and all rights under the Paris Convention for the Protection of Industrial Property and all other applicable treaties or laws in respect to said invention and said application.

Acorn hereby authorizes and requests the United States Director of Patents and Trademarks and any foreign patent office to issue any Letters Patent which may be granted for said invention or improvements or upon said application to Organ Transport, its successors and assigns, in accordance with this assignment.

Acorn hereby authorizes Organ Transport to apply for patents on said invention in foreign countries, claiming the filing date of said application under the provisions of the Paris Convention for the Protection of Industrial Property and all other applicable treaties and laws, and Acorn further agrees to execute any and all documents that may be required or desired by Organ Transport in order that Organ Transport may apply for Letters Patent on said invention in foreign countries in its name.

Acorn hereby agrees to promptly communicate to Organ Transport or its representatives any improvements said inventors have discovered or discover and any facts known to said inventors respecting said invention or said application; to testify in any legal proceeding relating thereto; to sign all lawful papers, including but not limited to all papers in any original, divisional, continuing, continuing in part, reissue, substitute, and extension applications, all rightful oaths or declarations, and documents confirming or substituting for this assignment.

Acorn agrees to do all acts agreed to in this document without further compensation, except for reimbursement of reasonable expenses incurred by Acorn in carrying out these acts.

Signed at Providence, in the County of Providence and State of Rhode Island, this 8th day of October, 2002.

ACORN DEVELOPMENT, INC.

By: Robert M. Dowben  
Robert M. Dowben, President

STATE OF RHODE ISLAND)  
) SS.  
COUNTY OF Providence)

Continued

I, ELIZABETH NEHME, a Notary Public in and for the County and State aforesaid, do hereby certify that Robert M. Dowben, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and deed for the uses and purposes and in the capacity therein set forth.

Given under my hand and notarial seal this 8th day of OCTOBER, 2002

Elizbeth Nehme  
Notary Public

(SEAL)

My commission expires 10/2/05

\* \* \*

**NUNC PRO TUNC ASSIGNMENT**

Dowben to Acorn

Robert M. Dowben, who resides at 14 Loring Avenue, in the city and county of Providence, Rhode Island and Marlin L. Alford, who resides at Rural Route 2, Dublin, in the County of Erath, Texas 76446, and receives mail at P.O. Box 318B, Dublin, Texas, 76446 ("said inventors"); have jointly made an invention comprising certain new, useful, and nonobvious improvements in

**ORGAN PRESERVATION APPARATUS AND METHODS**

Said invention is described or intended to be described and set forth in the patent application, U.S. Serial No. 09/953,338, filed September 14, 2001, further identified as McAndrews Held & Malloy Attorney Docket No. 13241US01.

Mr. Dowben previously signed an assignment of his rights in and to the present invention directly to Organ Transport Systems, Inc., of Houston, Texas ("Organ Transport"). After this assignment was submitted to the United States Patent and Trademark Office for recording, Mr. Dowben realized that the assignment of his rights was mistakenly made directly to Organ Transport. Mr. Dowben intended to assign his invention to Acorn Development, Inc., a Delaware corporation, the mailing address of which is P.O. Box 9186, Providence, Rhode Island 02940-9186 ("Acorn"). Acorn, in turn, intended to subsequently transfer the invention to Organ Transport in a separate document.

Organ Transport, by its signature below, acknowledges that it has no objection to, and hereby approves, a *nunc pro tunc* two-stage transfer in which Mr. Dowben's original rights are transferred to Acorn in one transaction, and Acorn's acquired rights are transferred to Organ Transport in a second transaction. This change does not affect the original assignment of Mr. Alford's rights directly to Organ Transport.

Mr. Dowben warrants and represents that said inventors conceived said invention themselves, that no one other than said inventors is a joint inventor of said invention, and that Mr. Dowben presently owns the entire right, title, and interest originally possessed by Mr. Dowben to said invention, as a joint inventor.

NOW, THEREFORE, in consideration of one dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, Mr. Dowben hereby assigns to Acorn, its successors and assigns, *nunc pro tunc*, the entire worldwide right, title, and interest in and to said invention, said application, any related trade secrets and know-how, any said improvement which said inventors have discovered in the past or present, and any said improvement which said inventors discover in the future, and said Letters Patent which may be granted for said invention, said application, and any and all divisions, continuations, continuations in part, reissues, reexamination certificates, substitutes, and extensions of said application (each of which is included herein as a part of "said application"), including but not limited to all United States and other national rights to said invention and said application and all rights under the Paris Convention for the Protection of

Assignment by Mr. Dowben to Acorn Development Inc.

Industrial Property and all other applicable treaties or laws in respect to said invention and said application., and any related trade secrets and know-how.

Mr. Dowben hereby authorizes and requests the United States Director of Patents and Trademarks and any foreign patent office to issue any Letters Patent which may be granted for said invention or improvements or upon said application to Acorn, its successors and assigns, in accordance with this assignment.

Mr. Dowben hereby authorizes Acorn to apply for patents on said invention in foreign countries, claiming the filing date of said application under the provisions of the Paris Convention for the Protection of Industrial Property and all other applicable treaties and laws, and Mr. Dowben further agrees to execute any and all documents that may be required or desired by Acorn in order that Acorn may apply for Letters Patent on said invention in foreign countries in its name.

Mr. Dowben hereby agrees to promptly communicate to Acorn or its representatives any improvements said inventors have discovered or discover and any facts known to said inventors respecting said invention or said application; to testify in any legal proceeding relating thereto; to sign all lawful papers, including but not limited to all papers in any original, divisional, continuing, continuing in part, reissue, substitute, and extension applications, all rightful oaths or declarations, and documents confirming or substituting for this assignment.

Mr. Dowben agrees to do all acts agreed to in this document without further compensation, except for reimbursement of reasonable expenses incurred by Mr. Dowben in carrying out these acts.

Signed at Providence, in the County of Providence and State of Rhode Island this 8th day of October, 2002.

Robert M Dowben  
Robert M. Dowben

STATE OF RHODE ISLAND) SS.  
COUNTY OF Providence)

I, ELIZABETH NEHME, a Notary Public in and for the County and State aforesaid, do hereby certify that Robert M. Dowben, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act and deed for the uses and purposes and in the capacity therein set forth.

100 9490297 EXP '04

Given under my hand and notarial seal this 8th day of October, 2002

Elgin R. R.  
Notary Public

(SEAL)

My commission expires 10/2/05

\* \* \*



Organ Transport Systems, Inc., of Houston, Texas, by its signature below, acknowledges that it has no objection to, and hereby approves, a *nunc pro tunc* two-stage transfer in which Mr. Dowben's original rights are transferred to Acorn in one transaction, and Acorn's acquired rights are transferred to Organ Transport in a second transaction. Organ Transport agrees that the previously-signed assignment of rights from Mr. Dowben directly to Organ Transport has no effect.

Signed at Houston, in the County of Harris and State of Texas, this 14<sup>th</sup> day of October, 2002.

Organ Transport Systems, Inc.

By: Hyman White

Name: Hyman White

Title: President

Date: October 14, 2002